

REMARKS

Reconsideration of this application is respectfully requested.

The claims of the application have been amended to set forth more definitely that which applicant regards as the invention. More specifically, in applicant's invention as set forth in Claim 25, a loaf of bread is fed through an open first end of an inner preformed bag. The inner bag has a closed second end with bag weakening opening means to enable consumer access to the loaf through the closed second end of the inner bag. The first end of the inner bag is closed, and the inner bag is heat shrunk to closely encircle the loaf. The heat shrunk inner bag and enclosed loaf then is inserted endwise, second end last, through an open end of a preformed outer bag. The preformed outer bag has a closed end which is not configured for opening by a consumer, but the open end of the bag is configured for closing and for reopening by a consumer. The final step in the method is closing the open end of the outer bag, such that the bag-weakening means is presented to a user upon reopening of the outer bag, without providing bag-weakening opening means in the closed end of the outer bag and without exposing the first end of the inner preformed bag at the reopened end of the outer bag. As described in the specification, in applicant's system the closed end of the inner bag typically will have a much neater appearance than an end which has been closed, gathered and/or sealed either before or in connection with the heat shrinking process. In applicant's invention, many of the benefits of prior methods are accomplished, but by use of reliable automatic equipment, and with an attractive product for the consumer. Claim 25 corresponds generally to prior Claims 1-3.

The primary reference relied on by the Examiner in rejecting the claims as previously submitted is the British patent of Theed. This patent refers to placing a loaf of bread in a bag made of shrink wrap material and applying suction to the bag before closing it so that the bag contacts the surface of the loaf. The covered bag is then heated at a sufficient temperature and

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue, Suite 2800
Seattle, Washington 98101
206.682.8100

for a sufficient time to kill spores and bacteria which may be on the surface of the loaf. With the product thus treated, the shrink wrapped loaf is then placed in an "outer wrapping" of special design to achieve a long shelf life. This outer wrapping is stated to be "in the form of a bag produced by the method defined below" in the second full paragraph on page 4 of the patent. The outer wrapping or bag has perforations. As explained in the paragraph bridging pages 6 and 7, it is intended that the consumer remove the entire loaf of bread from the outer wrap, for removal of the "shrink-material" so that,

The loaf of bread will then be stored, for the day or two while it is being eaten, in the outer wrap.

There is no disclosure or suggestion of applicant's method as described above, which includes the steps of inserting a shrink wrapped loaf endwise, second (closed) end last into the open end of an outer bag which is configured for closing and reopening at the "open" end but not at the "closed" end. As to this feature the Examiner refers to "Williams" which appears to be the Derwent listing for New Zealand Patent No. 270385. As noted above, the entire New Zealand patent is enclosed and should be made of record herein. The Derwent abstract indicates that the "advantage" of the Williams construction is that it "allows access to bread slices from either end of a precut loaf." Reference is made to inner and outer bags in which "the inner bag has a mouth openable toward the wicketable end of the bag assembly" which appears to indicate that the mouths of the inner and outer bag are adjacent if not coincident. The complete specification shows this to be true, namely, the open end of the inner bag coincides with the open end of an outer covering which is referred to as an outer "bag." The preformed closed end of the inner bag is *not* adjacent to the mouth or open end of an outer bag, but is only accessible if the *closed* end of the outer bag is opened. The Williams method and construction does not disclose or suggest an improvement for Theed which would result in applicant's invention as now claimed.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue, Suite 2800
Seattle, Washington 98101
206.682.8100

Concerning the Examiner's reference to McEachen, again it appears the Examiner is referring to the Derwent abstract for which the advantage is stated to be allowing "user easily to access bag at either end." As can be seen from the enclosed complete New Zealand Patent No. 243745, this disclosure pertains to a single bag that can be opened at either end, and not to any type of double bag.

None of the references disclose the combination of steps set forth in Claim 25 as currently submitted. Consequently, that claim should be allowed, along with Claims 26-31 which are dependent on Claim 25.

Claim 32 corresponds generally to prior Claims 10, 11 and 13. Applicant's claimed packaged product includes a loaf of bread snugly enclosed in an inner heat shrunk bag. The heat shrunk bag has a preformed closed end and a gathered, previously open, end opposite the preformed end. The heat shrunk inner bag and enclosed loaf are contained within a separate outer bag having a closed first end and an openable second end. The preformed closed end of the inner bag is adjacent to the openable end of the outer bag. The closed end of the outer bag is not configured for opening by a consumer, whereas the open end of the outer bag is configured for closing and for reopening by the consumer. The closed end of the inner bag has a bag weakening mechanism for manual opening by a consumer, with the inner bag being disposed such that the bag-weakening mechanism is exposed by opening the second (openable) end of the outer bag. For the reasons discussed above, no similar construction is disclosed or suggested by the references.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PI}LLC
1420 Fifth Avenue, Suite 2800
Seattle, Washington 98101
206.682.8100

It is believed that upon reconsideration the application should be found to be in condition for allowance. However, if there are additional questions or objections, it is respectfully requested that the Examiner telephone to the undersigned.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

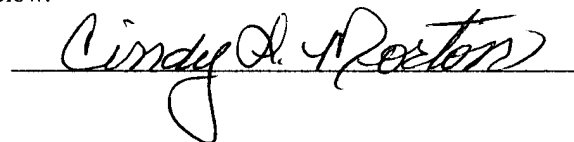


Ward Brown
Registration No. 28,400
Direct Dial No. 206.695.1716

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on the date specified below.

Date: April 3, 2002



WB:clm

VERSION WITH MARKINGS TO SHOW CHANGES MADE APRIL 3, 2002

In the Claims

Claims 1-24 have been canceled.

New Claims 25-35 have been added.